

Rec'd PCT/FR 18 JAN 2005

PCT/FR2003/002196

PATENT COOPERATION TREATY



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B102 MKT CVF	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002196	International filing date (day/month/year) 11 juillet 2003 (11.07.2003)	Priority date (day/month/year) 18 juillet 2002 (18.07.2002)
International Patent Classification (IPC) or national classification and IPC A61B 5/00		
Applicant MAUNA KEA TECHNOLOGIES		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 13 février 2004 (13.02.2004)	Date of completion of this report 04 June 2004 (04.06.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/FR2003/002196

I. Basis of the report

The basis of international preliminary examination report is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

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Rec'd PCT 18 JAN 2005

REC'D 10 JUN 2004

RAPPORT D'EXAMEN PRÉLIMINAIRE INTERNATIONAL

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(article 36 et règle 70 du PCT)

(Rapport rationalisé d'après le communiqué du président de l'OEB publié au JO 11/2001)

Référence du dossier du déposant ou du mandataire B102 MKT CVF	POUR SUITE À DONNER	Voir la notification de transmission du rapport d'examen préliminaire international (formulaire PCT/IPEA/416)
Demande internationale n° PCT/FR03/02196	Date du dépôt international (jour/mois/année) 11/07/2003	Date de priorité (jour/mois/année) 18/07/2002
Classification internationale des brevets (CIB) ou classification nationale et CIB A61B5/00		
Déposant MAUNA KEA TECHNOLOGIES et al.		

1. Le présent rapport d'examen préliminaire international, établi par l'administration chargée de l'examen préliminaire international, est transmis au déposant conformément à l'article 36.

2. Ce **RAPPORT** comprend 2 feuilles, y comprise la présente feuille de couverture.

☐ Il est accompagné d'ANNEXES, c'est-à-dire de feuilles de la description, des revendications ou des dessins qui ont été modifiées et qui servent de base au présent rapport ou de feuilles contenant des rectifications faites auprès de l'administration chargée de l'examen préliminaire international (voir la règle 70.16 et l'instruction 607 des Instructions administratives du PCT).

Ces annexes comprennent feuilles.

3. Le présent rapport contient des indications relatives aux points suivants:

I ☒ Base du rapport

II ☐ Priorité

III ☐ Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle


IV ☐ Absence d'unité de l'invention

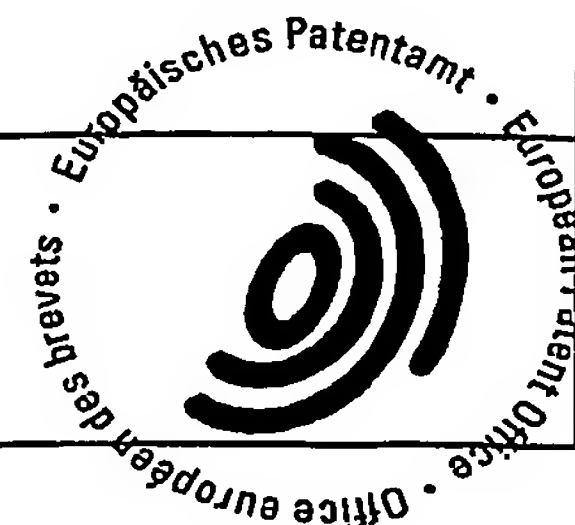
V ☒ Déclaration motivée quant à la nouveauté l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration

VI ☐ Certains documents cités

VII ☐ Irrégularités dans la demande internationale

VIII ☐ Observations relatives à la demande internationale

Date de présentation de la demande d'examen préliminaire international 13/02/2004	Date d'achèvement du présent rapport 04/06/2004
Nom et adresse postale de l'administration chargée de l'examen préliminaire international  Office Européen des Brevets D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Fonctionnaire autorisé NEYS B G Tel. (+49-89) 2399 2828



I. Base du rapport

Le présent rapport d'examen préliminaire international se base sur la demande telle que déposée initialement.

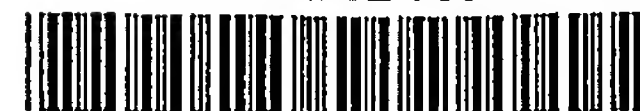
V. Déclaration motivée selon la règle 66.2.a (ii) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle

A la lumière des documents cités dans le rapport de recherche internationale, il est considéré que l'invention telle que revendiquée dans l'une au moins des revendications ne semble pas répondre aux critères énoncés à l'article 33.1 PCT, c'est-à-dire qu'elle ne semble pas être nouvelle ou impliquer une activité inventive (voir rapport de recherche internationale, en particulier les documents cités X et/ou Y et les références des revendications correspondantes).

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